

REMARKS

Applicants have carefully reviewed the Office Action dated September 3, 2004. Claims 1-9 are pending in the application. Applicant has amended Claim 1 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Perkowski* in view of *Wilz et al.* This rejection is respectfully traversed with respect to the claims.

The Examiner has noted that the *Perkowski* reference illustrates the machine readable code that is physically associated with the product. This is the bar code. Applicants agree that *Perkowski* does show a bar code that is associated with the product and that it is physically associated with the product itself. The *Perkowski* machine readable code has no routing information contained therein. The *Perkowski* reference does disclose the inclusion of the machine readable code in a relational database that associates the machine readable code with a defined location on the network. The Examiner is of the opinion that *Perkowski* discloses a visual indicia disposed on the surface in a predetermined proximate visual orientation to the machine readable code, such that the machine readable code and the visual indicia together form and define a composite visual appearance. The Examiner has cited Column 4, lines 5-23, Column 20, lines 9-14 and Column 21, lines 52-62 for support of this by defining the trademark symbol as the visual indicia that is printed on the product with the bar code. As set forth in Applicants' previous response, Applicants noted that *Perkowski* does not dispose the visual indicia on the product surface in a "predetermined proximate visual orientation" to the machine readable code. This relationship is not shown in *Perkowski*, as *Perkowski* merely provides the bar code on the surface of a product or a brochure, this typically being on a brochure Web page.

The Examiner has noted that one thing *Perkowski* lacks is any kind of teaching or suggestion that the visual indicia is associated with the routing system and would indicate that scanning of the machine readable code will cause computer based access of a network. The Examiner is relying upon the *Wilz* reference for this teaching. The *Wilz* reference is a reference that is directed toward providing a bar code of an unspecified length that has embedded therein the URL of a particular destination location. Written below the particular bar code is the actual "domain name" associated with that URL. Regardless of what is actually encoded within the bar code, the contents of that bar code are indicated therebelow. The *Wilz* reference is not much different from the *Durst* patent, U.S. Patent No. 5,933,829, which utilized bar codes that were encoded with the URL for linking to some

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textual or image on a document or a product. The difference is that the bar code is not unique to the product but, rather, is unique to the destination. The Examiner is combining a reference, the *Wilz* reference, that provided a bar code that is *unique to the destination* and not to the product. Therefore, one could argue that the bar code and the underlying text are one and the same. The visual indicia does not indicate that a bar code that is related with a product and not with any routing information on the system is indicative of the information in that bar code; i.e., the address. Applicants' present inventive concept provides a visual indicia that is indicative of a scanning operation but not any particular address or location that will then indicate that a bar code that is related to the product and not to a destination can be scanned, and that scanning operation will route it to a destination, which destination is not associated with the bar code. Therefore, Applicants believe that the combination of *Perkowski* and *Wilz* is neither suggested nor does it rise to the level of obviating the claims as set forth in Applicants' present response. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 1-9.

Applicants brings to the Examiner's attention U.S. Patent No. 5, 995,105, the *Reber* patent.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,740 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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